

REMARKS

Initially, it is believed that the inclusion of paragraph 4 in the office action is a typographical error and that that paragraph is simply a remnant from the previous office action. This must be so since the rejection in paragraph 4 is inconsistent with the statements made in paragraph 6 on page 3 and in paragraph 6 on page 4.

Claim 1 was rejected based on Babb's packaged integrated circuit 68. The item 68 must be packaged because a die would be much smaller and would not have protrusions extending from below it. Clearly, those protrusions are intended to indicate pins, demonstrating that the item 68 is a packaged integrated circuit. For example, in column 5, line 56, the item 68 is described as an integrated circuit chip. Examples of such devices are given further down and include diodes, integrated circuit chip batteries, and the like.

Claim 1 calls for a packaged integrated circuit. Thus, to read claim 1 onto Babb, you would need to know what is inside the packaged integrated circuit 68. Since no details are provided, there is no way to apply this reference to the claims. The fact that a packaged integrated circuit may be thereafter enclosed with flexible materials is not relevant since claim 1 calls for a packaged integrated circuit and calls for a packaged integrated circuit including a die and other items. These items cannot be deduced from Babb.

Claim 11, also rejected based on Babb, calls for securing a die within a cavity in a flexible package. There is no way to know how the die inside the integrated circuit chip 68 in Babb is secured. How the packaged integrated circuit is thereafter handled is not the subject matter of claim 11. Therefore, reconsideration of the rejection is respectfully requested.

Claim 20 calls for a package including a flexible substrate and a layer having a cavity formed therein to receive a die. Again, we do not know how the die inside the packet 68 is handled in Babb. She simply does not show this level of detail. How her packaged integrated circuit is handled is not relevant to claim 20.

Therefore, reconsideration is respectfully requested.

Claim 11 is also rejected under Section 103 as unpatentable over Kinsman in view of Eslamy. Kinsman explicitly teaches away (as pointed out in the office action) by teaching a BT resin or an FR-4 board. Thus, he teaches a rigid package.

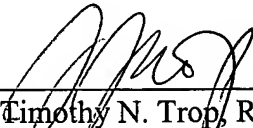
It is suggested that flexible packages are known. Certainly, this is true. However, in order to modify Kinsman, one would need a rationale from within the art to do so. The asserted rationale in the office action is solely with the benefit of hindsight reasoning. There is nothing in the references which teaches any reason to substitute a flexible package. Therefore, a *prima facie* rejection is not made out because it must be the references themselves which teach the rationale to modify.

It is noted that, in the response to the arguments, the Examiner points out that Kinsman uses a flexible material on top of his rigid material. However, putting a flexible material on top of a rigid material would not make a flexible package. Such an argument would be akin to arguing that a rubber coated steel beam is a flexible beam because the rubber is flexible. But the rigidity of the steel beam would, necessarily, dominate and incidental use of flexible materials would not change the essential rigidity of the structure. The same analysis would apply to the Kinsman reference. If Kinsman wanted to make a flexible package, he would not have used BT resin or an FR-4 board.

Therefore, reconsideration is respectfully requested.

Respectfully submitted,

Date: June 13, 2005



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